**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.K.DENESAN**

**WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929**

**OP.No. 27117 of 2002(C)**

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**PETITIONERS:**

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1. **K.R.MOHANAN, KOIKKAL HOUSE, KODIYANMALA, PULIKKURUMBA (P.O.), KANNUR DISTRICT.**

2. **LEELA K.G., KAKKARA HOUSE, KELAKKAM (P.O), KANNUR DISTRICT.**

**BY ADV. SRI.P.NARAYANAN**

**RESPONDENTS:**

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1. **DIRECTOR OF HOMEOPATHY, KERALA HOMEOPATHY SERVICES, TRIVANDRUM.**

2. **DISTRICT MEDICAL OFFICER (HOMEOPATHY) KANNUR.**

3. **KERALA PUBLIC SERVICE COMMISSION REPRESENTED BY ITS SECRETARY, TRIVANDRUM.**

4. **SMT.DEVI, HOMEO DISPENSARY, AZHIKODE (P.O), KANNUR.**

5. **P.I.SIVAN, HOMEO DISPENSARY, MUZHAKKONOM (P.O) PERAVOOR (VIA), KANNUR DISTRICT.**

6. **C.V.RAJAN, HOMEO DISPENSARY, KOTTIYOOR (P.O), KANNUR DISTRICT.**

7. **BABURAJ, HOMEO DISPENSARY, KIZHALLUR, KANNUR (DT.)**

*** ADDL. R8 AND R9 ARE IMPLEADED.**

**8. T.V.HARIDASAN, AGED 32,**
**S/O.GOPALAN , PUTHOOR, KOZHUMMAL POST**
**KANNUR DIST.**

**9. JENARDHANAN.K., S/O.VELLA,**
**NAYANAM, PERINGONNU,**
**CHENGALAYI, KANNUR DISTRICT.**

**ADDL.R8 & R9 ARE IMPLEADED AS PER ORDER DT.1.3.05 IN IA. NO.3069/2005**

**BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC**
**SRI.A.P.CHANDRASEKHARAN**
**SMT.PRABHA R.MENON**
**SRI.PUSHPARAJAN KODOTH**
**SRI.M.KRISHNAKUMAR**
**SRI.K.JAYESH MOHANKUMAR**
**SRI.M.P.HARIKUMAR (NEDUMBASSERY)**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/03/2007, ALONG WITH WPC NO. 35734 OF 2005, WPC NO. 5586 OF 2006 & WPC NO. 7270 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ORDER ON IA. NO. 5004/2003 IN OP. 27117/2002**

**DISMISSED**

**28./03.2007** **SD/- K.K.DENESAN, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE INTERVIEW CARD DT.26.11.01 ISSUED TO THE 1ST PETITIONER.**

**EXT.P2:- COPY OF THE RANK LIST PUBLISHED BY THE P.S.C. DT.30.3.02.**

**EXT.P3:- COPY OF THE ORDER NP.23567/EA2/2001/DH TVM. DT.29.3.01 ISSUED BY THE 1ST RESPONDENT.**

**EXT.P4:- COPY OF THE NEWS REPORT PUBLISHED ON 11.6.03 IN KERALA KAUMUDI.**

**EXT.P5:- COPY OF THE NEWS REPORT PUBLISHED ON 10.6.03 IN DESHABHIMANI.**

**EXT.P6:- COPY OF THE GAZETTE NOTIFICATION DT.27.10.98.**

**EXT.P7:- COPY OF THE COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT IN C.C.C.1180/03.**

**EXT/P8:- COPY OF THE COMMUNICATION DT.20.11.04.**

**EXT.P9:- COPY OF THE COMMUNICATION DT.12.4.05 ISSUED BY THE GOVERNMENT TO MR.JANARDHANAN, A RANK HOLDER.**

**RESPONDENTS EXHIBITS**

**EXT.R1(a):- COPY OF THE G.O.(P) NO.135/99 H & FWD DT.12.4.99.**

**/TRUE COPY/**

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**K.K.DENESAN, J.**

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**O.P.NO: 27117/2002, W.P(C)NOS: 35734/2005,5586 & 7270/2006**

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**Dated this the 28th March, 2007.**

**JUDGMENT**

The points arising for consideration in this batch of writ petitions are covered by the decision in **Jalajamma P.S. v. State of Kerala and others** {2007 (1) KHC 1097} However, counsel for the petitioner in O.P.27117/2002 submits that sufficient number of vacancies had arisen prior to the amendment of the special rules, that those vacancies were reported to the Commission but the Commission did not advise candidates from the rank list. The Commission shall verify whether candidates in the rank list were omitted to be advised despite vacancies that arose prior to the amendment of the special rules were reported to the Commission. It is made clear that if the Commission finds that there was any such omission, the judgment in Jalajamma (supra) will not stand in the way of the Commission advising candidates according to their turn and as per rules. Appropriate action shall be taken within four months. Subject to the above direction, these writ petitions are dismissed.

**K.K.DENESAN**
**Judge**

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